

THE STATE OF NEW HAMPSHIRE

53-154-I

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March 7, 1984

Dr. Frank Mevers
State Archivist
Division of Records
and Archives
Secretary of State's
Office
71 South Fruit Street
Concord, New Hampshire 03301

Re: RSA 477:44, IV; U.C.C. Filings on Mobile Homes

Dear Dr. Mevers:

You recently requested our advice on the effect of Ch. 230, Laws of 1983 on your procedure for accepting U.C.C. filings on mobile homes. For the reason stated below, it is our opinion that security interests in manufactured housing should be filed in the Registry of Deeds for the county in which the housing is located and not in your office.

Ch. 230:14, Laws of 1983 amends RSA 477:44, IV to provide that a security interest in manufactured housing may be created by the manner prescribed in Article IX of the New Hampshire Uniform Commercial Code. That section also provides that the security interest can be perfected by filing in the manner prescribed by RSA 382-A:9-401(1)(b). The proper place to file in order to perfect the security interest in property covered by RSA 382-A:9-401(1)(b) is "in the office where a mortgage on the real estate would be filed or recorded." In New Hampshire, pursuant to RSA 477:3-a, mortgages on real estate are filed by recording a copy of the mortgage document in the Registry of Deeds for the county in which the real estate lies. Thus, in order to be properly perfected, a security interest in manufactured housing must be filed in the Registry of Deeds in the county in which that housing is located.

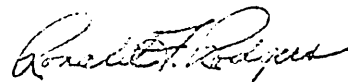


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You should be aware that the term "manufactured housing" is defined in RSA 31:118 to mean "any structure, transportable in one or more sections, which, in the travelling mode, is eight body feet or more in width and forty body feet or more in length, or when erected on site, is three hundred and twenty square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein."

I trust that this is responsive to your inquiry. If you have any further questions, please do not hesitate to contact me.

Sincerely yours,



Ronald F. Rodgers
Assistant Attorney General
Division of Legal Counsel

RFR/clp

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